



10-22-04

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EXPRESS MAILING LABEL NO. EV524684382US

PATENT APPLICATION
Docket: 13768.421.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Pinkerton et al.)
)
Serial No.: 10/666,086) Art Unit
) 2142
Confirmation No.: 8991)
)
Filed: September 19, 2003)
)
For: MULTIPLE OFFLOAD OF NETWORK STATE OBJECTS)
WITH SUPPORT FOR FAILOVER EVENTS)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, using label no. EV524684382US, postage prepaid, in an envelope addressed to: MAIL STOP: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21 day of October, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (2 pgs.)
- Copies of two (2) references
- Postcard

Respectfully submitted,

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For: MULTIPLE OFFLOAD OF NETWORK)
STATE OBJECTS WITH SUPPORT FOR)
FAILOVER EVENTS)

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

X Form PTO-1449 listing two (2) references submitted for consideration.

X Copies of two (2) of the references listed on the Form PTO-1449.

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

 Promptness Certification; or

 Check No. in the amount of \$ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

 Promptness Certificate;

 Petition for Consideration; and

 Check No. in the amount of \$ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

 Petition to Withdraw from Issue; and

 Check No. in the amount of \$ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

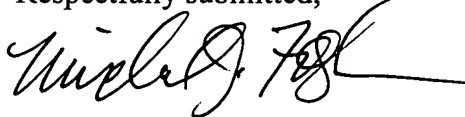
___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

___ The submission fee set forth in 37 C.F.R. § 1.17(p).

___ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 21 day of October 2004.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Pinkerton et al.

Serial No.: 10/666,086

Confirmation No.: 8991

Filed: September 19, 2003

For: MULTIPLE OFFLOAD OF NETWORK OBJECTS
WITH SUPPORT FOR FAILOVER EVENTS

Examiner: Unknown

Art Unit
2142

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

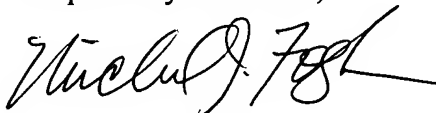
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

DATED October 21, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Frodsham", written in a cursive style.

MICHAEL J. FRODSHAM
Attorney for Applicant
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Applicant: Pinkerton et al.

Serial No.: 10/666,086

Att'y Docket No.: 13768.421.2

Filing Date: September 19, 2003

Group: 2142

For: MULTIPLE OFFLOAD OF NETWORK STATE OBJECTS WITH
SUPPORT FOR FAILOVER EVENTSINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Name</u>
____ 1	2003/0204631 A1	10/30/2003	Pinkerton et al.
____ 2	2003/0204634 A1	10/30/2003	Pinkerton et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
____ 3	None		

Examiner: _____

Date Considered: _____

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Pinkerton et al.

Serial No.: 10/666,086

Att'y Docket No.: 13768.421.2

Filing Date: September 19, 2003

Group: 2142

For: MULTIPLE OFFLOAD OF NETWORK STATE OBJECTS WITH
SUPPORT FOR FAILOVER EVENTS**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KJB0000004764V001

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
